

Appl. No. : 10/691,058.
Filed : October 21, 2003

REMARKS

Applicant has the following remarks in response to the Office Action

Discussion of Double Patenting Rejections

In the Office Actions, the Examiner rejected 1-25 under the judicially created doctrine of double patenting as being unpatentable over U.S. Patent Nos. 5,828,832, 6,272,639, and 6,643,698. In response, Applicant has filed a terminal disclaimer with respect to these patents, and respectfully submits that the basis of these rejections have been removed. Applicant submits that the filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission regarding the propriety of the rejection. *See* M.P.E.P § 804.02.

Discussion of Claim Rejections Under 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected Claims 5-9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,898,784, to Kirby, et al. (hereinafter "Kirby"). Applicant respectfully disagrees with these rejections.

Applicant respectfully submits that a claim is anticipated only if each and every limitation as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See* M.P.E.P. § 2131. Applicant respectfully submits that Kirby does not expressly teach or suggest the use "wherein the network security device is configured to use association establishment messages for said secured users in authenticating each other." Applicant notes that the cited limitation was originally recited in dependent Claim 7 (now cancelled). In the Office Action, the Examiner failed to particularly identify where this feature was described or suggested in the cited prior art. Applicant respectfully submits that the disclosure of Kirby has been reviewed, and Applicant submits this limitation is not taught or suggest by it.

Since Kirby fails to teach or suggest at least one limitation, independent Claim 5 is now in condition for allowance. Furthermore, since Claims 6, 8, and 9 each depend on Claim 5, they are allowable for the reasons discussed above and the subject matter of their own limitations.

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Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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